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## MR. BRADLEY ON PUNISHMENT. AN EXPLANATION.

IN a note appended to his "Remarks on Punishment," in the April number of the INTERNATIONAL JOURNAL OF ETHICS, Mr. F. H. Bradley accuses me of misunderstanding the view which I ventured to criticise in a previous number of the same Journal. I should like to make a few remarks in reply.

1. Mr. Bradley says, "He takes me to hold an intuitive theory of punishment (p. 22), by which (so far as I can judge) he means a view based upon some isolated abstraction." I do not think there is any passage in my article which expressly describes any particular opinion of Mr. Bradley's as "intuitive." I did use that term to describe the view, maintained by a School of what Mr. Bradley would probably describe as "popular writers," which it seemed to me might fairly be identified, for the purposes of my argument, with the view supported by Mr. Bradley. I know, of course, that the term "intuitive" is a red rag to writers of Mr. Bradley's philosophical affinities. I meant by it simply *a priori*. The position which I attacked was the theory that punishment is inflicted in obedience to an *a priori* dictate of the moral consciousness, not as a means found by experience to be conducive to an end other than itself, an end which I do believe to be determined *a priori* by the moral consciousness. This opinion I do not understand Mr. Bradley to disclaim.

2. "What is perhaps stranger, is that he treats me as teaching that punishment consists in the infliction of pain for pain's sake. At least I am unable otherwise to interpret his language. Now, I certainly said that punishment is the suppression of guilt, and so of the guilty person. But I pointed out that negation is not a good, except so far as it belongs to and is the other side of positive moral assertion ("Ethical Studies," p. 25). Pain, of course, usually does go with this negative side of punishment, just as some pleasure, I presume, attends usually the positive side. Pain is, in brief, an accident of retribution, but certainly I never made it more, and I am not aware that I made it even an inseparable accident. If a criminal defying the law is shot through the brain, are we, if there is no pain, to hold that there is no retribution? My critic seems, if I may say so, to hold an 'intuitive theory' of my views."—[April Number, p. 284.]

If I have ascribed to Mr. Bradley an opinion which he disclaims, I gladly apologize. But I am afraid I must add that I was humbly trying to put his theory in a way which should be intelligible to myself, and that the acceptance of his explanation makes it more unintelligible to me than ever. He certainly did speak of "Pun-

ishment for the sake of punishment," and I was, and am, at a loss to understand the phrase without translating it into the doctrine of "evil for the sake of evil." I admit that the evil which is of the essence of punishment is not necessarily pain. In strict accuracy, I should have said "pain or other evil or loss of good." I do not see that the argument would be seriously affected if I had invariably made that substitution. The correction seems to me scarcely more than verbal. If Mr. Bradley does not so regard it, if he would seriously contend that such loss or evil is not of the essence of punishment, I fear I must abandon as hopeless the effort to understand him. Granted all that he says about punishment being "positive moral assertion" (a statement which seems to be too vague to be either accepted or denied—in one sense I have very fully admitted it), still that assertion could not be made without the infliction of such pain or loss. I fail to see how punishment could be defined without introducing this idea of pain, evil, or loss. The moment the means actually used to punish criminals cease to involve in their view either pain or something else which they regard as evil, they cease in ordinary apprehension to be real punishments. Painless death would not be a punishment to people who had ceased to regard it as an evil. It may be questioned whether the modern anarchists are not in precisely this position. If an anarchist wants to be first talked about and then shot, I do not see that society is "asserting" the moral law by falling in with his wishes.

3. Mr. Bradley is of course entitled to his opinion that he would have little to correct in the old statement of his view "except a certain number of one-sided and exaggerated expressions." He will perhaps excuse my saying that I doubt if that is the impression which a comparison of the two chapters will leave on the minds of most readers. In "Ethical Studies" he repudiates the view that "punishment is medicine:" his article in the JOURNAL OF ETHICS is a passionate plea for "moral surgery." When he protested so vehemently against the "immorality" of punishment inflicted for any other reason than ill desert, he could not have meant that the immorality could be escaped by just not calling it punishment. When he declared that it was wrong to inflict "discipline . . . as a means of improvement" except in the case of beings "wholly or partially accountable" (*i.e.*, animals and children), he would surely have held that it is *a fortiori* wrong to "extinguish" people not for their own improvement but for "the good

of the organism." When he taught that to remove the innocent was unjust, he surely did not mean that "though unjust, it is not, perhaps, therefore in all cases wrong." At least, if such were his meanings, he can hardly blame me for not having found them out. Apart from his vague re-endorsement of what he wrote in "Ethical Studies," Mr. Bradley would appear to me to have given up nearly all that I took exception to. He continues, indeed, to profess his adhesion to the "retributive theory," but what real meaning is left in it after all his explanations and qualifications seems to me to be not very different from the meaning which I conceded to it in my article, though he still wraps it up in phrases which, after those explanations, I cannot help thinking (no doubt ignorantly) to be either misleading or at least unnecessarily mysterious. But it would be useless to attempt any further reply until we have the advantage of knowing distinctly which parts of his former chapter Mr. Bradley is prepared to reassert and which he is not. At present I can only say that the theory which I criticised is now withdrawn, and that the theory which is to take its place is a very different one, and has not been adequately expounded.

I trust that Mr. Bradley will not ascribe my inability to admit that I have seriously misrepresented him either to discourtesy or to want of respect, even if he should feel obliged to explain it to himself in a way still less complimentary to his critic.

It may interest some readers to know that the late Professor Green told me that he had once held the view of punishment maintained by Mr. Bradley, but that "when he came to work it out," he had to give it up. Of course, I do not mean to claim that he would have been entirely satisfied with my own way of putting the matter.

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